

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7082

BILL NUMBER: HB 1298

NOTE PREPARED: Jan 12, 2014

BILL AMENDED:

SUBJECT: St. Joseph Superior Court.

FIRST AUTHOR: Rep. Wesco

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill changes the membership of the St. Joseph Superior Court Judicial Nominating Commission and Commission on Judicial Qualifications as follows:

- (1) It eliminates one of the three elected attorney members.
- (2) It eliminates all three of the appointed nonattorney members.
- (3) It adds the judge of the St. Joseph Circuit Court, the judge of the St. Joseph Probate Court, the president of the Board of St. Joseph County Commissioners, the sheriff of St. Joseph County, the mayor of South Bend, and the mayor of Mishawaka.

This bill requires a judge of the St. Joseph Superior Court to retire upon becoming 75 years of age. It allows a judge of the Superior Court serving on June 30, 2014, who is 75 years of age or will become 75 years of age before the judge's term will expire to continue to serve as judge of the Superior Court for the remainder of the judge's term.

The bill provides that if at least 40% of the electors voting on the question of retention of a judge of the Superior Court is against retention, the judge is rejected. (Current law requires a majority of the electors voting on the question to vote against retention to reject a judge.)

It also makes conforming amendments.

Effective Date: June 30, 2014; July 1, 2014.

Explanation of State Expenditures: A mandatory retirement age could decrease future payments from the Judges Retirement Fund as these judges will not accrue added benefits past 75 years of age. The Judges

Retirement Fund is funded on a pay-as-you-go basis, meaning that the state General Fund may need to pay for a portion of the retirement and survivor benefits. The reduced size of payment may be offset because these judges would likely draw on these benefits sooner. [One judge currently on the court may be affected by the age limit.]

Explanation of State Revenues:

Explanation of Local Expenditures: The bill could slightly increase the amount of expense reimbursement incurred by the judicial nominating commission members in performing their duties by increasing the number of members from seven to nine. However, it may reduce workload for members of the selection committee, which is eliminated by the bill. The committee currently selects the three nonattorney members of the judicial nominating commission.

Additional Information: Under current law, the St. Joseph Judicial Nominating Commission is composed of seven members, including three attorney members, three nonattorney members, and a justice of the state Supreme Court or a judge of the state Court of Appeals appointed by the Chief Justice. The three nonattorney members are appointed by the selection committee, comprised of the circuit court judge, the president of the board of commissioners, and the mayors in the two cities with the largest population. The attorneys are elected from among the attorneys admitted to practice law in Indiana and residing in St. Joseph County.

The terms of the attorney and nonattorney members would expire on July 1, 2014, under the bill. The judicial nominating commission would then consist of the Chief Justice's appointee, various elected officials and judges, and two attorneys elected by the attorneys admitted to practice law in Indiana and residing in St. Joseph County. This configuration would increase the number of commission members from seven to nine. The members serve without compensation, but may be reimbursed for expenses incurred performing their duties.

The commission on judicial qualifications is comprised of the same members as the judicial nominating commission. The bill also makes changes to the number of members needed for a quorum of the commission on judicial qualifications by increasing it from four to five.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: St. Joseph Superior Court.

Information Sources: State Department of Personnel.

Fiscal Analyst: Karen Firestone Rossen, 317-234-2106.